

(19) World Intellectual Property  
Organization  
International Bureau



(43) International Publication Date  
18 November 2004 (18.11.2004)

PCT

(10) International Publication Number  
**WO 2004/099377 A3**

(51) International Patent Classification<sup>7</sup>: **C12N 15/00**,  
A61K 48/00

(21) International Application Number:  
PCT/US2004/013487

(22) International Filing Date: 30 April 2004 (30.04.2004)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
60/467,171 1 May 2003 (01.05.2003) US

(71) Applicant (for all designated States except US): **MUSC  
FOUNDATION FOR RESEARCH DEVELOPMENT**  
[US/US]; P.O. Box 250194, Charleston, SC 29425 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **DONG, Jian-Yun**  
[—/US]; 4201 Victory Pointe Dr., Mt. Pleasant, SC  
29466 (US). **RUBINCHIK, Semyon** [—/US]; 811 E.  
Hideaway Bay Lane, Mt. Pleasant, SC 29464 (US).  
**WORARATANADHARM, Jan** [—/US]; 411 Meeting  
St., #5102, Charleston, SC 29403 (US).

(74) Agent: **KRAWZSENEK, Michael, R.**; Fulbright & Ja-  
worski LLP, 600 Congress Avenue, Suite 2400, Austin, TX  
78701 (US).

(81) Designated States (unless otherwise indicated, for every  
kind of national protection available): AE, AG, AL, AM,  
AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN,  
CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI,  
GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE,  
KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD,  
MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG,  
PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM,  
TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM,  
ZW.

(84) Designated States (unless otherwise indicated, for every  
kind of regional protection available): ARIPO (BW, GH,  
GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM,  
ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),  
European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI,  
FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI,  
SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ,  
GW, ML, MR, NE, SN, TD, TG).

**Published:**

- with international search report
- before the expiration of the time limit for amending the  
claims and to be republished in the event of receipt of  
amendments

(88) Date of publication of the international search report:  
24 February 2005

For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.

(54) Title: **AN AUTOLOGOUS UPREGULATION MECHANISM ALLOWING OPTIMIZED CELL TYPE-SPECIFIC AND  
REGULATED GENE EXPRESSION CELLS**

(57) Abstract: The present invention provides methods for high level, regulated transgene transcription that is restricted to cell populations of specific types. The process is designed to work with any inducible expression regulation systems, adapting them to a tissue-specific expression pattern while simultaneously delivering maximal achievable expression levels. In particular, the invention utilizes hybrid promoters that contain the DNA elements for both cell type-specific and regulated transcription. By placing the gene of the transcriptional activation factor (TAF) under the control of this tissue-specific/drug-regulated (TSDR) promoter, this invention achieves high expression levels of TAF in specific target cells by first initiating TAF expression using cell-type specific transcription elements, and subsequently amplifying transcriptional activity by establishing an autoregulatory positive feedback loop. In non-target cells, cell type-specific elements of the TSDR promoter will be inactive, the TAF expression will not be initiated, and auto-regulation will not occur. For cell type-specific promoters with leaky low-level activity in non-target cells, a variation of this system has been developed which combines autologous upregulation of TAF with the expression of cross-competing transcriptional silencers (TSi) to achieve a type of eukaryotic "gene switch" - either shutting off transgene and TAF expression completely or promoting maximal expression levels.

WO 2004/099377 A3

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/13487

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C12N 15/00; A61K 48/00

US CL : 435/320.1, 514/44

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S. : 435/320.1, 514/44

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Please See Continuation Sheet

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 01/30799 A1 (RESEARCH DEVELOPMENT FOUNDATION) 03 May 2001 (03.05.2001), pages 7-8, 21-25 and 36-42.	1-4, 12-22, 28-32, 38-53
A	TANG et al. Vigilant vectors: adeno-associated virus with a biosensor to switch on amplified therapeutic genes in specific tissues in life-threatening diseases. Methods. 2002, Volume 28, pages 259-266, especially pages 259, 261 and 262.	1, 5-11, 14, 21, 23-27
A	QIAO et al. Tumor-specific transcriptional targeting of suicide gene therapy. Gene Therapy. 2002, Volume 9, pages 168-175, especially pages 168-169.	1, 5-11, 14-17, 21, 23-27, 31, 33-37, 41-25
A	SMITH-ARICA et al. Switching on and off transgene expression within lactotrophs cells in the anterior pituitary gland in vivo. Endocrinology. 2001, Volume 142, No. 6, pages 2521-2532, especially pages 2521, 2522 and 2524.	1, 5-12, 14-17, 21, 23-28, 31, 33-38, 40-45

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

25 October 2004 (25.10.2004)

Date of mailing of the international search report

15 DEC 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Tara L. Garvey

Telephone No. (571) 272-0507

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US04/13487

Continuation of B. FIELDS SEARCHED Item 3:

EAST, MEDLINE, BIOSIS, EMBASE

search terms: vector, tissue specific, gene therapy, transcriptional activating factor (TAF), tissue specific regulatory element (TSRE),  
transcriptional silencer